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Azieres in view of Cravo de Almeida. The examiner is requested to consider the following argument which clearly explains why the claims are not properly rejected under Section 103.

First, it is noted that in response to the rejection under 35 U.S.C. 102, each of the independent claims 9 and 25 was amended to more clearly define patentable subject matter relative to the Azieres patent.

Claim 9 requires:

"transmitting the recorded condition values to the central maintenance management system using e-mail"

and claim 25 requires:

"transmitting by a transmission mechanism using email the recorded condition values to a central maintenance management system for automated evaluation"

Despite these distinctions, the examiner contends that Azieres et al. (col. 3, line 63 to col. 4, line 4 and col. 4, lines 53-57) teach that recorded condition values can be transmitted to a central maintenance system using email. See page 4 of the Final Office Action. It is not understood how the examiner can take this position when the examiner also states at page 2 of the same Final Office Action that the Azieres reference does not explicitly teach transmitting the recorded condition values to the central maintenance system using email. In fact the passages which the examiner cites from the Azieres reference do not disclose that condition values can be transmitted to a central maintenance system using email. The Azieres reference does not at all teach or suggest the claimed transmitting, e.g., between a client system and a server using email.

It is noted that one basis for applying the Azieres reference is that the reference discloses that a "controller 106 can be programmed to ... transmit email messages to ... users to so inform these users of relevant operating or alarm conditions ..." See Col. 4, lines 49-57. However, this is not what is claimed by the applicant. Independent claims 9 and 25 do not require transmitting information to a user. Rather, they each require transmitting to a "central maintenance management system."

The examiner's new reliance on the Cravo de Almeida et al. also appears misplaced. The basis for the 103 rejection was that it would have been obvious to incorporate the teaching of this reference into the Aziere's reference "because it would analyze the collected data in an efficient manner to determine the system performance and take any action to assure its performance."

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This is error because the invention does not relate to determining performance of a computer system and the reference does not relate to taking actions relating to maintenance.

That is, a rejection under Section 103 cannot be based on mere citation of a benefit or advantage that one of the references might share with the claimed invention. If references can be properly combined to meet the claimed invention, then they will necessarily provide the same advantages as the invention. Here, the Cravo de Almeida reference does not provide the same advantages as the invention, and the Cravo de Almeida reference does not at all relate to transmitting condition values to a central maintenance management system. Nor is there a teaching or suggestion in the reference to apply email for this purpose. In fact, the reference only goes so far as to suggest use of email wherein "a monitoring computer receives the electronic mail messages and analyzes the information to derive performance measures." See Par. [0007].

The claimed invention does not involve transmission of "any" type of information by email. Many types of information are transmitted by email, but the use of email for one purpose (such as monitoring CPU usage) does not render obvious the use of email for a totally different purpose. The Cravo de Almeida reference only uses email to report information relating to "an operating state of a machine" [see Par. 0005 of the Cravo de Almeida reference] wherein the machine "may be a network server, a desktop computer, or an intelligent appliance [and] the data collected includes ... performance measurements ... for example, ...CPU usage, process queue length, memory usage, memory paging rate, disk usage, network usage ..." See, also, Par. [0008] of the Cravo de Almeida reference.

None of the foregoing relate at all to the problem addressed by the claimed invention, e.g., *condition-based maintenance of at least one decentralized technical installation*. The problem solved by the invention (*transmitting condition values to a central maintenance management system*) is different than the problem solved by the prior art Cravo de Almeida reference. With this distinction, there can be no basis to argue that one of ordinary skill in the art would associate the prior art feature with the solution solved by the invention. In other words, it is only in hindsight that the combination is constructed; and there is no teaching or suggestion to add the disclosure of the Cravo de Almeida reference to the Azieres reference.

Each of the dependent claims further defines a combination which is not taught or suggested in the art of record. It is noted, for example, that a feature presented in claim 11,

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wherein the central management system includes a mechanism for monitoring or documenting a maintenance order, is not found in the references. In contrast, the Azieres reference only states at Column 12, lines 32-35, that "service personnel can activate the camera 110 through the personal computer 112 ..." Further, applicants' claimed "central maintenance management system" cannot be read on the personal computer 112.

Conclusion

For all of these reasons, all of the new 103 rejections are not supported by the cited prior art and therefore should be removed. Based upon the amendments presented in Applicants' previous communication and the distinctions discussed herein, all of the claims are believed to be patentable and the application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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